

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor: Theodore D. Rees et al.
Appl. No.: 10/797,261
Conf. No.: 5359
Filed: March 10, 2004
Title: OPTICAL PICK-UP UNITS AND LASER
DRIVERS WITH INCREASED
FUNCTIONALITY

PATENT APPLICATION

Art Unit: 2627
Examiner: Thomas D. Alunkal
Docket No. ELAN-01110US2

Customer No.: 23910

TRANSMITTAL LETTER RE INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of a Substantive International Examination Report dated December 29, 2006 for Chinese Application No. 200480006679.X.
- ☐ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

This statement should be considered because:

☒ 37 C.F.R. §1.97(c). Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

☒ (a) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(c).

-- OR --

☐ (b) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

☒ *PTA Statement under 37 C.F.R. §1.704(d).* Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

☒ 37 C.F.R. §1.97(e)(1). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT each item of information contained in this *Information Disclosure Statement* was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this *Information Disclosure Statement*; or

☐ 37 C.F.R. §1.97(e)(2). THE UNDERSIGNED ATTORNEY HEREBY STATES THAT no item of information contained in this *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this *Information Disclosure Statement* was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

☒ *Fee Authorization.* The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

FLIESLER MEYER LLP

Date: January 25, 2007

By: /Jeffrey R. Kurin/
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Form PTO-1449 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Agency Docket Number ELAN-01110US2	Application/Patent Number 10/797,261
Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)		Applicant/Patent Owner Kees et al.	
		Filing/Issue Date March 10, 2006	Group Art Unit 3637

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date

U.S. PATENT PUBLICATIONS			
Examiner Initial		Patent Application Publication Number	Publication Date

PENDING U.S. PATENT APPLICATIONS				
Examiner Initial		Application Number	Filing Date	First Named Inventor

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Trans- lation Yes No

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)	
	English Translation of Office Action and Search Report for Chinese Patent Application No. 200480006679.X (issued December 29, 2006).

Examiner	Date Considered
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<i>Information Disclosure Statement</i> BY APPLICANT <i>(Use several sheets if necessary)</i>		Applicant/Patent Owner Rees et al.	
		Filing/Issue Date March 10, 2004	Group Art Unit 5637

*EXAMINER: Initial of citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*1 = Copy not submitted because it was submitted in prior application SN _____, filed _____, 20____, relied on under 35 USC §120

**2 = Copy not submitted because it was submitted in prior application SN _____, filed _____, 20____, relied on under 35 USC §120